IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.12869 of 1998

Between:

1 T.N. Pavan Kumar Reddy S/o T.N. Ramachandra Reddy
R/o 16-617 Gandhi Road, Madanapalli, Chittoor Dist.
2 M. Shajahan Basha S/o Late Akbar Saheb
R/o 16/243, S.C.Bose Road, Madanapalli, Chittoor Dist.

..... PETITIONERS

AND

1 The Deputy Transport Commissioner & Secretary
Regional Transport Authority, Chittoor
2 The Superintendent of Police,
Chittoor
3 The Deputy Transport Commissioner,
Kurnool
4 The Motor Vehicle Inspectors (Flying Squad & Administration) O/o

Transport Commissioner,
A.P.Hyderabad

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction forbearing the Respondents and their Subordinates from collecting compounding amounts under Sec.200 of the Motor Vehicle Act, 1988 for the alleged violation of the provisions of Sec.192.A of the Motor Vehicle Act, 1988 in relation to the petitioners Contract Carriage Vehicles or seize the vehicles in lieu thereof holding that the Respondents and their subordinates have no authority of law to do so.

Counsel for the Petitioners: MR.NOUSHAD ALI

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER:

This writ petition is filed seeking a Writ of Mandamus forbearing the respondents and their subordinates from collecting compounding amounts under Section 200 of the Motor Vehicles Act, 1988 (for brevity 'the Act') for the alleged violation of the provisions of Section 192-A of the Act in relation to the petitioners contract carriage vehicles or seize the vehicles in lieu thereof.

Though, the writ petition was admitted and interim orders were granted on 30-4-1998, no counter affidavit is yet filed in the matter. When the matter is taken up, learned counsel for petitioner submitted that the writ petition is squarely covered by the order of this Court in W.P. 9936 of 1995 dated 23-11-1995. It is also stated that no appeal was filed against the said order and the said order become final.

The operative portion of the order of the Division bench in W.P. 9936 of 1995, reads as under;

> "Therefore, fixing enhanced compounding fee at Rs.2,000-00 for contract carriages for offences committed under section 192-A is struck down. However, this will not bar the authorities to proceed with other provisions according to law. The Writ Petition is accordingly allowed, but without costs. If any amounts are collected from the petitioners for offences committed under section 192-A after 14-11-1994, the same may be returned and if any bank guarantee is furnished for the said purpose, the same shall be discharged."

Heard the learned counsel for petitioner and learned Government Pleader for Transport.

Following the above decision, the respondents are directed not to seize the vehicles nor collect the compounding fee on the ground of violation of the provisions of section 192-A of the Motor Vehicle Act, 1988 in respect of the petitioner's vehicles operating under tourist permits.

Accordingly, the writ petition is allowed to the extent indicated above. No costs.

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N.V.RAMANA,J

Date: 03.03.2005

Nsr/Tvk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the Third day of March, Two Thousand and Five.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Deputy Transport Commissioner & Secretary
Regional Transport Authority, Chittoor
2 The Superintendent of Police,
Chittoor
3 The Deputy Transport Commissioner,
Kurnool
4 The Motor Vehicle Inspectors (Flying Squad & Administration) O/o

Transport Commissioner,
A.P.Hyderabad

5 Two CCs to GP for Transport, High Court Buildings, Hyderabad

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6 Two CD copies

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